

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MACARTON N. PIERRE,

Plaintiff,

v.

C.O. RICHARDS, *et al.*,

Defendants.

No. 4:23-CV-02044

(Chief Judge Brann)

ORDER

AND NOW, this 15th day of October 2024, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendant Elizabeth Anselm's motion to dismiss (Doc. 28) pursuant to Federal Rule of Civil Procedure 12(b)(6) is **DENIED**.
2. Anselm's motion to dismiss asserting the affirmative defense of failure to exhaust administrative remedies is converted to a motion for summary judgment under Federal Rule of Civil Procedure 56.
3. Anselm's Rule 56 motion is **GRANTED** as to Plaintiff's Section 1983 Fourteenth Amendment medical indifference claim against her.
4. Entry of judgment in accordance with paragraph 3 above shall be deferred pending resolution of Plaintiff's remaining Section 1983 claims against defendant C.O. Richards.
5. Anselm's motion (Doc. 47) to conduct a joint deposition of Plaintiff is **DISMISSED** as moot in light of the foregoing paragraphs.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge